IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 13 OF 2006
IN
WRIT PETITION NO. 129 OF 2006

Shri V. Veeraju,
Verem, Bardez, Goa.
and another. ... Applicant.

V/s.

Addl. Director of Vigilance ... Respondents.
and others.

Mr. V.A. Lavande for the applicant.

Mr. M. Salkar, Addl.G.A. for the respondents.

CORAM : V.C.DAGA and
N.A.BRITTO, JJ.

DATED : 31st July, 2006.

P.C. :

Heard learned counsel for the review petitioner.

Perused petition.

Respondents were granted time to file reply but no reply is filed as yet. Petition cannot be adjourned from time to time. That is how petition is heard for admission.

2. We were taken through the amendment application and the text thereof together with order under review dated 8th June, 2006 passed by the Division Bench presided over by Hon'ble Chief Justice (as he then was).

3. The learned counsel for the review petitioner submits that the Court did not consider amendment application moved by the petitioner since no orders were passed thereon. He further submits that the Court has erroneously recorded in the order that the petitioner had taken them through the evidence. In his submission, the Court did not go through the evidence. He, thus, submits that the order dated 8th June, 2006 not only suffers from an error apparent on the face of record but wrongly records that the evidence was seen by the Court.

4. Having gone through the order under review; in the light of submissions made; firstly, we cannot accept the contention of learned counsel for the review petitioner that there is an erroneous observation in the order that the petitioner had taken the Court through evidence; since petitioner did not raise any objection in this behalf when the order was dictated in the open court.

5. Apart from this, it was obligatory on the part of the petitioner to move the same Court and to get the order corrected, may be by moving appropriate motion; like, "speaking to minutes". The petitioner ought to have moved proper application to the same Bench or at least to subsequent Bench in which one of the Judges of the earlier Bench was present. The law laid down in this behalf is well settled. Readily available judgments are: Central ***Bank of India v. Vrajlal Kapurchand Gandhi & Anr.***, 2003(6) SSC 573; ***Bhavnagar University v. Palitana Sugar Mills (P) Ltd.***, 2003 (2) SCC 111; and ***Roop Kumar v. Mohan Thedani***, 2003 (3) SCALE 611. It was, thus, obligatory on the part of the petitioner to move proper motion to get the order corrected. Failure on the part of the review petitioner precludes him from raising any contention in this behalf. We have no option but to accept whatever is factually mentioned in the order.

6. So far as consideration of application for amendment of petition is concerned, there is reference to rule 9 of the CCS (Pension) Rules, 1972. This ground finds place in the amendment application. At least from the tenor of the order, it appears that contentions raised in the amendment application were considered by the Court. Even

otherwise, seeds of the proposed amendment were already in the petition. Thus, review petition has no merit.

7. Thus, taking overall view of the matter, we do not think this is a case warranting review of the order. The review petition is, thus, dismissed in limine with no order as to costs.

(V.C. DAGA, J.)

(N.A.BRITTO, J.)